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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/26/2000

James R. Suter

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EXAMINER

GUTIERREZ, ANTHONY

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

K.D

Office Action Summary	Application No.		Applicant(s)	
	09/697,788		SUTER ET AL.	
	Examiner		Art Unit	
	Anthony Gutierrez		2857	

-- **Th MAILING DATE of this communication appears on th cover she t with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-9, 12, 17-24 and 26-53 is/are rejected.
- 7) ☒ Claim(s) 3-5, 10, 11, 13-16 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 5 recites the limitation "the management data". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 6-9, 12, and 51-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutton et al. (US Patent 6,318,156).

As to claim 1, Dutton et al. discloses method for automated management of hydrocarbon gathering, the method comprising: collecting data from a plurality of automated measurement and control devices positioned in a hydrocarbon gathering system (col. 1, lines 35-48, col. 3, lines 19-60, and col. 9, lines 20-25); comparing the collected data with data stored in a database (col. 9, lines 26-56); and using the data comparison to automatically schedule a test of at least one of the plurality of automated measurement and control devices (col. 12, lines 41-47).

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As to claims 2 and 12 Dutton et al, further discloses wherein the data stored in the database is automatically updated with the collected data (col. 10, lines 43-46).

As to claim 6, Dutton et al, further discloses wherein the plurality of measurement and control devices comprises electronic flow meters (col. 5, lines 46-50).

As to claims 7 and 8, Dutton et al, further discloses wherein the plurality of automated measurement and control devices comprises programmable logic controllers and remote terminal units (col. 6, lines 58-64).

As to claims 9, Dutton et al, further discloses wherein the plurality of automated measurement and control devices comprises automated gas composition analysis devices (col. 5, lines 13-39).

As to claim 51, Dutton et al, further discloses wherein the collected data and data stored in the database are used to model pipeline hydraulics (col. 1, lines 35-48).

As to claim 52, Dutton et al, further discloses using the collected data and data stored in the database to automatically generate a report for a selected unit of a hydrocarbon gathering system (col. 12, lines 35-40).

As to claim 53, Dutton et al, further discloses wherein the collected data and data stored in the database are used to evaluate reservoir production (col. 1, lines 35-48).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 24, 26 and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by McCormack et al. (US Patent 6,128,579).

As to claim 24, McCormack et al. discloses a method for automated management of hydrocarbon gathering, the method comprising: collecting well test data from at least one of a plurality of producing wells in a hydrocarbon gathering system using the well test data to automatically reallocate hydrocarbon production to at least one of the plurality of producing wells (col. 2, line 68-col. 3, line 8).

As to claim 26, McCormack et al further discloses wherein the well test data is used to automatically populate regulatory forms (col. 12, lines 7-9).

As to claim 27, McCormack et al further discloses wherein the well test data is automatically reported to selected users (col. 12, lines 4-6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 28 and 31-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormack et al. (US Patent 6,128,579) in view of Dutton et al. (US Patent 6,318,156).

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As to claims 28, 39, 40, 45, McCormack et al. discloses a method for automated management of hydrocarbon gathering, the method comprising: calculating a system balance for a selected balance envelope, collecting hydrocarbon sample test data, and using the hydrocarbon sample test data to automatically recalculate the system balance (col. 2, lines 68-col. 3, line 8 and col. 8, lines 29-44).

McCormack et al. does not specifically disclose that the test data is from automated measurement and control devices.

Dutton et al., however, discloses a hydrocarbon sample test data from at least one of a plurality of automated measurement and control devices positioned in a hydrocarbon gathering system (col. 1, lines 35-48 and col. 3, lines 19-26).

Dutton et al. further discloses that a fully automated well test system does not require manual sampling or laboratory analysis and helps to eliminate volumetric measurement errors (col. 3, lines 19-26)

It would therefore have been obvious to modify the method of McCormick, to use automated measurement and control devices, as taught by Dutton et al. in order to reduce the costs and measurement errors that occur when manual labor is used.

As to claims 31, 41, and 46, Dutton et al. further discloses wherein the plurality of measurement and control devices comprises electronic flow meters. (col. 5, lines 46-50).

As to claims 32, 33, 42, 43, 47, and 48 Dutton et al. further discloses wherein the plurality of automated measurement and control devices comprises programmable logic controllers and remote terminal units (col. 6, lines 58-64).

As to claims, 34, 44, and 49, Dutton et al. further discloses wherein the plurality of automated measurement and control devices comprises automated gas composition analysis devices (col. 5, lines 13-39).

As to claims 35 and 50, Dutton et al. further discloses wherein a database is automatically updated after recalculation of the system balance. (col. 10, lines 43-46).

As to claims 36-38, Dutton et al. further discloses wherein the system balance comprises a volume, energy or natural gas component balance (col. 1, lines 20-45 and col. 5, lines 1-4).

8. Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutton et al. (US Patent 6,318,156) in view of Streetman (US Patent 6,456,902).

As to claims 17-23, Dutton does not specifically disclose generating alarms related to thresholds or equipment failure.

The examiner takes official notice that operating alarms when a certain threshold has been met with respect to well production and equipment failure is well known in the art. Streetman discloses the use of alarms for these types of situations (col. 4, lines 51-67).

It would therefore have been obvious to use threshold and equipment failure alarms in the method of Dutton et al. in order to notify operators rapidly so that they can make necessary adjustments to maximize efficiency and avoid potential hazards or costly equipment damage.

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9. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormack et al. (US Patent 6,128,579) in view of Dutton et al. (US Patent 6,318,156), further in view of Streetman (US Patent 6,456,902).

As to claim 29, neither McCormack et al. nor Dutton et al. specifically disclose using the recalculated system balance to mix hydrocarbon products from at least two gathering pipelines to produce a desired hydrocarbon flow composition, wherein the desired hydrocarbon flow composition is selected to minimize hydrocarbon processing costs.

Streetman, however, discloses that this is well known in prior art methods (col. 8, lines 10-17).

It would therefore have been obvious to one of ordinary skill in the art at the time of invention to produce a flow composition from multiple pipelines to minimize costs in order to allow greater possibilities for allocating financial resources.

Allowable Subject Matter

10. Claims 3, 4, 5, 10, 11, 13-16, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 2, 5-10, 12, 17-24, and 26-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,635,652 discloses the use of programmable logic controllers in an automated system of gas flow measurement and collection.

US Patent 6,446,014, discloses a method of remote trending data acquisition and remote event logging for gas wells.

US Patent 6,446,721 discloses an optimization means for scheduling the steaming of a group of wells.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/9/04



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